


BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-181-C - ORDER NO. 2002-557
JULY 31, 2002

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| IN RE: Petition of US LEC of South Carolina, Inc. |) | ORDER MODIFYING |
| for Arbitration of an Interconnection |) | ARBITRATION |
| Agreement with Verizon South, Inc. |) | SCHEDULE |



This matter comes before the Public Service Commission of South Carolina ("Commission") on the Request for Rescheduling of the Hearing filed by Verizon South Inc. ("Verizon"). By its request, Verizon seeks to reschedule the hearing in this docket for August 12, 2002, and advises the Commission that US LEC of South Carolina, Inc. ("US LEC") does not oppose the Request for Rescheduling of the Hearing.

On May 24, 2002, US LEC filed a Petition for Arbitration requesting arbitration of an interconnection agreement with Verizon. The Petition was filed pursuant to the provision of Section 252 of the Telecommunications Act of 1996 ("1996 Act"). By its Petition, US LEC requests the Commission to arbitrate and decide unresolved issues related to negotiation of an interconnection agreement between US LEC and Verizon, with respect to interconnection between the Parties in the State of South Carolina. Section 252 (b)(4)(C) of the Telecommunications Act of 1996 requires that a state commission hear and rule on a petition for arbitration no later than 9 months after the date on which the local exchange carrier received the request for negotiation, or in this case on or before

September 15, 2002. Accordingly, the Commission in Order No. 2002-483 (June 25, 2002) established an arbitration plan and schedule to assist the Commission in adhering to the timeframes set forth in the 1996 Act.

By its Request for Rescheduling of the Hearing, Verizon seeks to have the hearing in this matter rescheduled until Monday, August 12, 2002. As reasoning for its request, Verizon advises the Commission that the August 5, 2002, hearing date posed a conflict for one of the attorneys involved in this matter. Verizon advises the Commission that the scheduling conflict arises because this attorney has a hearing in federal district court in New York on August 6, 2002. Verizon further advises the Commission that US LEC supports the request to reschedule the hearing as it would be difficult for one of US LEC's witnesses to be available on the August 5 hearing date. Accordingly, Verizon seeks to reschedule the hearing until Monday, August 12, 2002, and US LEC supports Verizon's request.

The Commission, upon consideration of Verizon's request, finds that parties have presented sufficient reasons for rescheduling the hearing in this matter. As requested by the parties, the Commission will move the scheduled hearing from August 5, 2002, until August 12, 2002. Further, the Commission will modify the date by which pre-hearing briefs must be filed. As requested by US LEC, and with no opposition from Verizon, the Commission will modify the due date for pre-hearing briefs from July 29, 2002, until August 5, 2002.

Accordingly, Order No. 2002-483, dated June 25, 2002, captioned “Order Establishing Arbitration Plan and Schedule” is modified as follows¹:

(1) The Arbitration Hearing in this Docket shall begin at **11:00 A.M. on Monday, August 12, 2002**, in the Commission Hearing Room.

(2) The Commission hereby orders that twenty-five (25) copies of the rebuttal testimony and exhibits of US LEC shall be prefiled on or before **July 29, 2002**, and Verizon shall prefile any surrebuttal testimony and exhibits on or before **August 1, 2002**. It should be noted that acceptance of surrebuttal testimony and exhibits is subject to the discretion of the Commission.

The parties shall serve the other parties with copies of all prefiled testimony and exhibits. **Testimony and exhibits shall be served on the parties and on the Commission by the close of business on the dates herein specified.** In other words, parties and the Commission shall have testimony and exhibits in hand by the close of business on the dates herein specified. If service cannot be accomplished on the dates indicated herein, service may be accomplished by facsimile transmission of the prefiled testimony and exhibits by the close of business on the dates herein specified with overnight delivery of the testimony and exhibits to follow.

All parties are reminded that all witnesses must be present during the hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses’ testimony to be read into the record of the proceeding, and/or may decline to allow the witnesses’ exhibits to be entered into the evidence of the case.

¹ The modifications herein relate only to the date of the hearing and due date for pre-hearing briefs. The instructions concerning filing, number of copies to be filed, and service on other parties have not been modified from Order No. 2002-483, but those instructions are repeated herein for emphasis to the parties.

(3) Further, US LEC and Verizon shall file pre-hearing briefs with the Commission on or before **August 5, 2002**. **Service on the parties and the Commission of the pre-hearing briefs shall be made by the close of business on the dates herein specified with such pre-hearing briefs being delivered to the Commission and the opposing party by the close of business on the dates herein specified.** If actual, physical service cannot be accomplished on the dates indicated herein, service may be accomplished by facsimile transmission or e-mail transmission of the pre-hearing briefs by the close of business on the dates specified, with overnight delivery to follow.

Opening statements of the parties and any participants will be allowed at the beginning of the hearing. Closing statements of the parties and any participants will be allowed at the conclusion of the hearing.

Direct testimony and exhibits, as well as rebuttal and surrebuttal testimony and exhibits, of the parties' witnesses shall be presented to the Arbitrator in a panel format, with all witnesses being sworn in concurrently. Examination of witnesses will proceed issue by issue, with all witnesses on an issue being examined by both parties and Commissioners, before proceeding to the next issue. Examination of the witnesses shall be conducted by attorneys for the Parties and by the Commissioners. The examination may be directed to specific witnesses or to the entire panel of witnesses. Responses by other witnesses, other than the witness or witnesses to whom the question is directed, may be allowed at the discretion of the Chairman.

Please note that any party requesting modification of this schedule must file a request for such modification with the Commission.

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This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Executive Director

(SEAL)